Reconsideration and withdrawal of the outstanding rejections and objections are respectfully requested in light of the above amendments and following remarks.

Claim Objections

Claims 1, 14-19 are objected to for certain informalities. These claims have been amended to remove informalities.

Claim Rejections under 35 USC §102(e)

Claims 1, 2, 5-8, 11, and 14-20 have been rejected under 35 USC §102(e) as being anticipated by Mansfield (USP 6,704,346). Applicants respectfully traverse these rejections.

To anticipate a claim, the reference must teach each and every limitation of the claim. MPEP §2131. As to claim 1, Mansfield does not teach each and every limitation.

In rejecting claim 1, the Examiner has stated that Mansfield describes assigning channels to corresponding windows. Applicants respectfully disagree and point to the Examiner that Mansfield does not even change the order of original hopping sequence and uses the sequence as is but changes the way it uses the original hopping sequence. Following is how Mansfield works:

When the look-ahead frequency selector 32 of Mansfield determines that the next hopping frequency will be a bad channel, then it changes the size of the packet that is being transmitted in the good channel that is just before the bad channel. It is well known in the art and explained by Mansfield in col. 5, line 32 – col. 6, line 6, that when a packet size is longer than the BT time slot (625 msec), then BT continues to use the same RF channel until the entire packet is transmitted. Because Mansfield knows the bad channel ahead of transmission, it changes the packet length to avoid using the bad channel. When the longer packet is transmitted, the slot for the bad channel is passed and the next good channel is available for transmission of the next packet. With this algorithm, if more than one bad channel is back-to-back on the hopping sequence, then Mansfield just prolongs the packet transmission by using the packet sizes 3x and 5x until all bad channels are avoided (see col. 12, lines 27-39). Because Mansfield

does not change the hopping sequence, there is not even a need to group good and bad channel. It simply extends the packet size to bypass the bad channel.

In complete contrast, claim 1 recites assigning good channels to a good window and the bad channels to a bad window by using an adaptive frequency hopping scheme. Mansfield does not teach this limitation.

Regarding claim 5, the Examiner has cited Table 2A of Mansfield as window with slots. Applicants respectfully point to the Examiner that actually Table 2A illustrates the status of "all frequencies" used by a device in a 23-frequency mode (*see* col. 11, lines 14-23). Table 2A is a complete layout of all frequencies available to the device and it is not a "window" as recited in claim 5.

As to claim 6, the Examiner has cited **"B"** in Table 2C as being the even number of channels in a given window. Applicants respectfully point to the Examiner that first, Mansfield does not even divide channels in windows and further, a careful reading of corresponding section reveals that Mansfield does not even have any limitation on the number of channels that can be in a window (because it does not have a window). Furthermore, **"B"** represents bad channels in the seven channel example and does not represent any limitation of any kind of number of channels.

As to claim 7, the Examiner has admitted that "Mansfield discloses the claimed invention **except for determining a ratio of the good channels in the band** ... It would have been **obvious** matter of design choice ..." (emphasis added). Applicants respectfully point to the Examiner that obviousness is not a proper basis for anticipation rejection under 35 USC §102(e) see MPEP §2131. As the Examiner has admitted that Mansfield does not teach each and every limitation of claim 7, claim 7 is not anticipated by Mansfield for at least that reason.

As to claim 8, the Examiner has used the distribution of Table 2A as "assigning sizes to windows". Applicants respectfully request a careful reading of cited sections and the claim. In Table 2A, Mansfield does not assign anything at al. It simply uses whatever channels are available in a 23-frequency mode and lays it out in a table. In fact, Mansfield has no control over the number of channel that may be assigned as bad or good. It all depends upon the channel condition for each channel. Further, the Examiner has used the distribution of channels to come up with ratios. Applicants respectfully request the Examiner to carefully exam the claim to cite

appropriate sections in Mansfield that teach the limitation of claim 8 or in alternative, allow claim 8.

Applicants believe that a careful reading of Mansfield and presented claims will determine that claims 1-20 are clearly and patentably distinguishable from Mansfield.

<p align="center">*Double Patenting*</p>

Claim 1 has been provisionally rejected on ground of non-statutory double patenting. Applicants respectfully offer to submit a terminal disclaimer once the allowability of these claims has been determined.

Applicant believes this application and the claims herein to be in a condition for allowance and respectfully requests that the Examiner allow this application to pass to the issue branch. Please charge any additional fees, or credit overpayment to Deposit Account No. 20-0668. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

Respectfully submitted,

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